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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**FILED**

2008 APR 28 PM 12:33

CLERK'S OFFICE, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
08 MJ 1328**UNITED STATES OF AMERICA,**

) Magistrate Docket No.

Plaintiff,

COURT DEPUTY

v.

COMPLAINT FOR VIOLATION OF**Gildaro CARVENTE-Palapa,**

Title 8, U.S.C., Section 1326

Defendant

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 24, 2008** within the Southern District of California, defendant, **Gildaro CARVENTE-Palapa**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 Ismael A. Canto
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF APRIL 2008



 Jan M. Adler
 UNITED STATES MAGISTRATE JUDGE

 NITA L. STORMES
 U.S. MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Gildaro CARVENTE-Palapa**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On April 24, 2008, Border Patrol Agent F. Rivera was performing anti-smuggling duties near Pine Valley, California. Agent Rivera was operating an unmarked Agency vehicle, and dressed in plainclothes. This area is located approximately eight miles east of the Tecate, California Port of Entry and twelve miles north of the United States/Mexico international border.

At approximately 7:44 p.m., Agent Rivera observed a black Chevrolet Suburban, a red Chevrolet pickup truck, and a green Honda Accord take the Sunrise Highway exit from the Interstate 8 eastbound lanes. The three vehicles appeared to be traveling together, maintaining the same distance for approximately a mile and a half northbound on Sunrise Highway, before loosing sight of them. Agent Rivera took a stationary position near Interstate 8 and Sunrise Highway.

At approximately 7:54 p.m., Agent Rivera observed the same red Chevrolet pickup truck travel southbound on Sunrise Highway, and then onto Interstate 8 westbound. Agent Rivera knew that there are several illegal alien pick up locations, within a ten minute round trip into Sunrise Highway. Agent Rivera continued surveillance on the red Chevrolet pickup truck. Agent Rivera then contacted Border Patrol Dispatch, and requested a registered owner/stolen vehicle check, on the red Chevrolet. Dispatch advised Agent Rivera that it was registered to a Ponciano MARTINEZ from Garden Grove, California.

Agent Rivera requested assistance from Border Patrol Agent B. Blanchard, who was in the area, operating a marked Border Patrol vehicle, responded. Agent Blanchard activated his vehicle's fully functioning emergency lights and audible siren. The red Chevrolet pickup yielded.

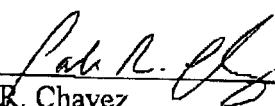
Agents Blanchard and Rivera approached the red Chevrolet pickup on foot, and noticed several individuals crouching down on the rear seat. Agents Blanchard and Rivera identified themselves as Border Patrol Agents and conducted immigration inspection on each of the seven occupants. All seven, including one later identified as the defendant **Gildaro CARVENTE-Palapa**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to legally enter or remain in The United States. All seven individuals were placed under arrest and transported to the El Cajon Border Patrol Station in El Cajon, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 10, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was informed of his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without an attorney present. The defendant stated he is a citizen and national of Mexico without any immigration documents to legally enter or remain in The United States.

CONTINUATION OF COMPLAINT:
Gildaro CARVENTE-Palapa

Executed on April 26, 2008 at 1:30 p.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 24, 2008, in violation of Title 8, United States Code, Section 1326.


Nita L. Stormes
United States Magistrate Judge

4-26-08 a 1:40 PM
Date/Time